

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANTHONY BAYAD,

Plaintiff,

V.

JOHN CHAMBERS, et al.,

Defendants.

CIVIL ACTION  
NO. 04-10468-GAO

THE CISCO DEFENDANTS' OPPOSITION TO PLAINTIFF'S  
MOTION REQUESTING THE HONORABLE JUDGE O'TOOLE AND HONORABLE  
CHIEF MAGISTRATE BOWLER PRESIDING TO INTERVENE AS MATTER OF  
RIGHTS AS JUSTICE PRESCRIBED

Defendants John Chambers, Anthony Savastano and Carl Wiese (the “Cisco Defendants”) hereby oppose “Plaintiff’s Motion Requesting the Honorable Judge O’Toole and Honorable Chief Magistrate Bowler Presiding to Intervene as Matter of Rights as Justice Prescribed” (“Motion for Intervention”).

It is difficult to determine the relief requested by Plaintiff in his Motion for Intervention. However, it appears that Mr. Bayad seeks to vary the summary judgment schedule and suspension of discovery ordered by the Court at the February 7, 2005 status conference. The Cisco Defendants oppose the motion because the schedule set and the actions taken by the Court at the conference are an appropriate and efficient method of managing this case under Fed. R. Civ. P. 16 and Local Rules 16.3, 26.1, and 26.2.

WHEREFORE, the Cisco Defendants request that Plaintiff's Motion for Intervention be denied and that the case proceed in accordance with the Court's February 7, 2005 schedule and orders.

Respectfully submitted,

/s/ Bruce E. Falby

---

Bruce E. Falby, BBO #544143  
DLA PIPER RUDNICK GRAY  
CARY US LLP  
One International Place  
Boston, MA 02110  
Phone: (617) 406-6000  
Fax: (617) 406-6100

ATTORNEYS FOR DEFENDANT  
JOHN CHAMBERS, ANTHONY  
SAVASTANO and CARL WIESE

Dated: February 24, 2005